



General Assembly

February Session, 2008

Amendment

LCO No. 4652

HB0514504652HDO

Offered by:

REP. HENNESSY, 127th Dist.

To: Subst. House Bill No. 5145

File No. 101

Cal. No. 63

"AN ACT CONCERNING ENVIRONMENTALLY STRESSED AND ENVIRONMENTAL JUSTICE COMMUNITIES."

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- 1 Change the effective date of section 1 to "Effective January 1, 2009"
 - 2 Strike lines 3 to 6, inclusive, in their entirety
 - 3 In line 7, strike "(2)" and insert "(1)" in lieu thereof and after "means"
 - 4 insert "(A)"
 - 5 In line 8, strike "tract" and insert "block group" in lieu thereof
 - 6 In line 9, strike "(A)"
 - 7 In line 9, strike "fifty" and insert in lieu thereof "thirty"
 - 8 Strike lines 12 and 13 and insert the following in lieu thereof: "(B) a
 - 9 distressed municipality, as defined in subsection (b) of section 32-9p of
 - 10 the general statutes;"
 - 11 Strike lines 14 to 54, inclusive, in their entirety and insert the

12 following in lieu thereof:

13 "(2) "Affecting facility" means any (A) electric generating facility
14 with a capacity of more than ten megawatts; (B) sludge or solid waste
15 incinerator or combustor; (C) sewage treatment plant with a capacity
16 of more than fifty million gallons per day; (D) intermediate processing
17 center, volume reduction facility or multitown recycling facility with a
18 combined monthly volume in excess of twenty-five tons; (E) new or
19 expanded landfill, including, but not limited to, a landfill that contains
20 ash, construction and demolition debris or solid waste; (F) medical
21 waste incinerator; or (G) major source of air pollution, as defined by
22 the federal Clean Air Act. "Affecting facility" shall not include the
23 portion of an electric generating facility that uses nonemitting and
24 nonpolluting renewable resources such as wind, solar and hydro
25 power or that uses fuel cells;

26 (3) "Meaningful public participation" means (A) residents of an
27 environmental justice community have an appropriate opportunity to
28 participate in decisions about a proposed facility or the expansion of
29 an existing facility that may adversely affect such residents'
30 environment or health; (B) the public's participation may influence the
31 regulatory agency's decision; and (C) the applicant for a new or
32 expanded permit, certificate or siting approval seeks out and facilitates
33 the participation of those potentially affected during the regulatory
34 process; and

35 (4) "Community environmental benefit agreement" means a written
36 agreement entered into by a municipality and an owner or developer
37 of real property whereby the owner or developer agrees to develop
38 real property that is to be used for any new or expanded affecting
39 facility and to provide financial resources for the purpose of the
40 mitigation, in whole or in part, of impacts reasonably related to the
41 facility, including, but not limited to, impacts on the environment,
42 traffic, parking and noise.

43 (b) (1) Applicants who, on or after January 1, 2009, seek to obtain

44 any certificate under chapter 277a of the general statutes, new or
45 expanded permit or siting approval from the Department of
46 Environmental Protection or the Connecticut Siting Council involving
47 an affecting facility that is proposed to be located in an environmental
48 justice community or the proposed expansion of an affecting facility
49 located in such a community, shall (A) file a meaningful public
50 participation plan with such department or council and shall obtain
51 the department's or council's approval of such plan prior to filing any
52 application for such permit, certificate or approval; and (B) consult
53 with the chief elected official or officials of the town or towns in which
54 the affecting facility is to be located or expanded to evaluate the need
55 for a community environmental benefit agreement in accordance with
56 subsection (d) of this section.

57 (2) Each such meaningful public participation plan shall contain
58 measures to facilitate meaningful public participation in the regulatory
59 process and a certification that the applicant will undertake the
60 measures contained in the plan. Such plan shall identify a time and
61 place where an informal public meeting will be held that is convenient
62 for the residents of the affected environmental justice community. In
63 addition, any such plan shall identify the methods, if any, by which the
64 applicant will publicize the date, time and nature of the informal
65 public meeting in addition to the publication required by subdivision
66 (3) of this subsection. Such methods may include, but not be limited to,
67 (A) posting a reasonably visible sign on the proposed or existing
68 facility property, printed in English, in accordance with any local
69 regulations and ordinances, (B) posting a reasonably visible sign,
70 printed in all languages spoken by at least twenty per cent of the
71 population that reside within a one-half of a mile radius of the
72 proposed or existing facility, in accordance with local regulations and
73 ordinances, (C) notifying neighborhood and environmental groups, in
74 writing, in a language appropriate for the target audience, and (D)
75 notifying local and state elected officials, in writing.

76 (3) Not less than ten days prior to the informal public meeting and
77 not more than thirty days prior to such meeting, the applicant shall

78 publish the date, time and nature of the informal public meeting with a
79 minimum one-quarter page advertisement in a newspaper having
80 general circulation in the area affected, and any other appropriate local
81 newspaper serving such area, in the Monday issue of a daily
82 publication or any day in a weekly or monthly publication. The
83 applicant shall post a similar notification of the informal public
84 meeting on the applicant's web site, if applicable.

85 (4) At the informal public meeting, the applicant shall make a
86 reasonable and good faith effort to provide clear, accurate and
87 complete information about the proposed facility or the proposed
88 expansion of a facility and the potential environmental and health
89 impacts of such facility or such expansion.

90 (5) The Department of Environmental Protection or the Connecticut
91 Siting Council shall not take any action on the applicant's permit,
92 certificate or approval earlier than sixty days after the informal public
93 meeting.

94 (6) In the event that the Connecticut Siting Council has approved a
95 meaningful public participation plan concerning a new or expanded
96 facility and an informal public meeting has been held in accordance
97 with this subsection, the Department of Environmental Protection may
98 approve such plan and waive the requirement that an additional
99 informal public meeting be held in accordance with this subsection.

100 (c) Any municipality, owner or developer may enter into a
101 community environmental benefit agreement in connection with an
102 affecting facility. Mitigation may include both on-site and off-site
103 improvements, activities and programs, including, but not limited to:
104 Funding for activities such as environmental education, diesel
105 pollution reduction, construction of biking and walking trails, staffing
106 for parks, urban forestry, support for community gardens or any other
107 negotiated benefit to the environment in the environmental justice
108 community. Prior to negotiating the terms of a community
109 environmental benefit agreement, the municipality shall provide a

110 reasonable and public opportunity for residents of the potentially
111 affected environmental justice community to be heard concerning the
112 need for, and terms of, such agreement."